

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 16, 2003

Division: Growth Management

Bulk Item: Yes No X

Department: Planning Department

AGENDA ITEM WORDING: A public hearing to adopt an ordinance amending Section 9.5-22 of the Monroe County Land Development Regulations by adding a representative from the school district to the Planning Commission in order to comply with an amendment to Section 1. Subsection (1) of section 163.3174 of the Florida Statutes.

ITEM BACKGROUND: The Planning Department has proposed an amendment to Section 9.5-22 of the Monroe County Land Development Regulations to add a representative from the school district to the Planning Commission in order to comply with an amendment to Section 1. Subsection (1) of section 163.3174 of the Florida State Statutes. This proposal was heard and approved on March 3, 2003 at a regular meeting of the Development Review Committee. The proposal was heard and approved by the Planning Commission on March 12, 2003. Only one public hearing is required for this item.

PREVIOUS RELEVANT BOCC ACTION: None

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes N/A No

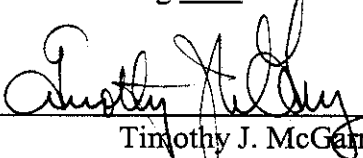
COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes N/A No **AMOUNT PER MONTH** N/a **Year** N/A

APPROVED BY: County Atty X OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL:


Timothy J. McGarry, AICP

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM # 11

**AMENDMENT TO THE MONROE COUNTY LAND
DEVELOPMENT REGULATIONS**

Board of County Commissioners
Harvey Government Center
April 16, 2003

PROPOSED AMENDMENT TO MONROE COUNTY LAND DEVELOPMENT REGULATIONS

A request filed by the Monroe County Planning Department to amend the Monroe County Land Development Regulations by amending Sec. 9.5-22 in order to add a representative from the school district to the Planning Commission in order to comply with an amendment to Section 1. Subsection (1) of Section 163.3174 of the Florida Statutes.

Land Development Regulations text amendment

Staff	Approval	February 5, 2003	Staff Report
DRC	Approval	March 3, 2003	Resolution #D07-03
PC	Approval	March 12, 2003	Resolution #P13-03

BOCC STAFF REPORT

MEMORANDUM

TO: Board of County Commissioners

FROM: Fred Gross, Director of Lower Keys Planning Team

DATE: April 8, 2003

SUBJECT: **Amendment to Section 9.5-22 of the Monroe County Land Development Regulations adding a representative from the school district to the Planning Commission.**

I. Background:

The Planning Department is proposing an amendment to Sec. 9.5-22 of the MC Land Development Regulations concerning the addition of a representative from the school district to the planning commission as required by the recent amendment of the Legislature of the State of Florida. Section 1. Subsection (1) of section 163.3174, Florida Statutes requiring such an inclusion. This proposal was reviewed and approved by staff on March 3, 2003 at a regular meeting of the Development Review Committee. This proposal was heard and approved by the Planning Commission on March 12, 2003. Only one public hearing is required for this item.

II ANALYSIS & FINDINGS OF FACT

1. The Commission finds that there is a need to make the changes outlined above.
2. The Commission finds that the proposed changes are consistent with Section 9.5-511(d)(5)b.(iv) New Issues and (v) Recognition of a need for additional detail or comprehensiveness.
3. The Commission finds that the proposed changes are consistent with the goals of the MC Year 2010 Comprehensive Plan.

III PROPOSED TEXT

- **Sec. 9.5-22. (Planning Commission) shall be amended as follows:**

(d) *Membership: Appointment, Removal, Terms, and Vacancies:*

(7) A representative of the school district shall be appointed by the school board as a nonvoting member of the planning commission and shall attend those meetings at which the planning commission considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application.

* Underlined text is new

IV. RECOMMENDATIONS

Based on the Findings of Fact above, the Planning Commission recommends **APPROVAL** of the proposed amendments to the Monroe County Board of County Commissioners.

BOCC ORDINANCE

ORDINANCE NO. -2003

A ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A REQUEST OF THE MONROE COUNTY PLANNING DEPARTMENT TO AMEND THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS BY ADDING SEC. 9.5-22(d)(7) (PLANNING COMMISSION MEMBERSHIP) TO ADD A NON-VOTING MEMBER FROM THE LOCAL SCHOOL DISTRICT.

WHEREAS, an amendment to Sec. 9.5-22 of the Monroe County Land Development Regulations concerning the addition of a representative from the school district to the planning commission is required by the recent amendment of the Legislature of the State of Florida. Section 1. Subsection (1) of section 163.3174, Florida Statutes requiring such an inclusion; and

WHEREAS, during a regular meeting held on March 12, 2003 the Monroe County Planning Commission conducted a public hearing on the proposed text and recommendations of staff; and

WHEREAS, no public opposition to the addition of a non-voting member from the local School Board was received during the public hearing; and

WHEREAS, the Planning Commission after reviewing the staff report voted to recommend the amendment to Sec. 9.5-22(d) to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners finds that there is a need to make the changes outlined above; and

WHEREAS, the Board of County Commissioners finds that the proposed changes are consistent with Section 9.5-511 (d) (5)b. (iv) New Issues and (v) Recognition of a need for additional detail or comprehensiveness; and

WHEREAS, the Board of County Commissioners find that the proposed changes are consistent with the goals of the Monroe County Year 2010 Comprehensive Plan

WHEREAS, it is the desire of the Monroe County Board of County Commissioners that the following amendment to the County Code be adopted and transmitted to the state land-planning agency for approval; **NOW THEREFORE**,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA, THAT:**

Section 1. Section 9.5-22(d) [Planning Commission Membership: Appointment, Removal, Terms and Vacancies], Monroe County Code, is hereby amended as follows:

Sec. 9.5-22. Planning Commission

(d) *Membership: Appointment, Removal, Terms, and Vacancies:*

- (7) A representative of the school district shall be appointed by the school board as a nonvoting member of the planning commission and shall attend those meetings at which the planning commission considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application.

* Underlined text is new

Section 2. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. The ordinance is hereby transmitted to the Florida Department of Community Affairs pursuant to Chapter 163 and 380, Florida Statutes.

Section 5. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance with Chapter 163, Florida Statutes.

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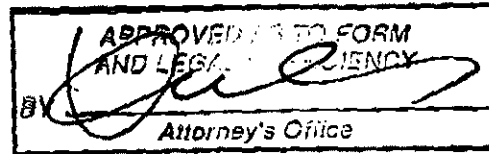
PASSED AND ADOPTED by the Board of County Commissioners of Monroe County,
Florida at a regular meeting held on the _____ day of _____, A.D., 2003.

Mayor Dixie Spehar _____
Mayor Pro Tem Murray Nelson _____
Commissioner Charles "Sonny" McCoy _____
Commissioner George Neugent _____
Commissioner David Rice _____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Mayor Dixie Spehar

(SEAL)



ATTEST: DANNY KOHLAGE, CLERK

DEPUTY CLERK

PC RESOLUTION

**MONROE COUNTY, FLORIDA
PLANNING COMMISSION RESOLUTION #P13-03**

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION APPROVING A REQUEST OF THE MONROE COUNTY PLANNING DEPARTMENT TO AMEND THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS BY AMENDING SEC. 9.5-22 (PLANNING COMMISSION MEMBERSHIP) TO ADD A NON-VOTING MEMBER FROM THE LOCAL SCHOOL DISTRICT.

WHEREAS, an amendment to Sec. 9.5-22 of the Monroe County Land Development Regulations concerning the addition of a representative from the school district to the planning commission is required by the recent amendment of the Legislature of the State of Florida. Section 1. Subsection (1) of section 163.3174, Florida Statutes requiring such an inclusion; and

WHEREAS, during a regular meeting held on March 12, 2003 the Monroe County Planning Commission conducted a public hearing on the proposed text and recommendations of staff; and

WHEREAS, the Monroe County Planning Commission was presented with the following evidence, which by reference is hereby incorporated as part of the record of said hearing;

1. Staff report prepared on March 5, 2003 by Fred Gross, Island Planning Team Director.
2. Proposed change to the Monroe County Land Development Regulations; and
3. The sworn testimony of the Growth Management Staff; and

WHEREAS, the Commission finds that there is a need to make the changes outlined above; and

WHEREAS, the Commission finds that the proposed changes are consistent with Section 9.5-511 (d) (5)b. (iv) New Issues and (v) Recognition of a need for additional detail or comprehensiveness; and

WHEREAS, the Commission finds that the proposed changes are consistent with the goals of the Monroe County Year 2010 Comprehensive Plan; and

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding findings support its decision to recommend **APPROVAL** to the Monroe County Board of County Commissioners of the following change to the text of the Monroe County Land Development Regulations as requested by the Monroe County Planning Department.

PROPOSED AMENDMENT:

- **Sec. 9.5-22. (Planning Commission) shall be amended as follows:**

(d) *Membership: Appointment, Removal, Terms, and Vacancies:*

(7) A representative of the school district shall be appointed by the school board as a nonvoting member of the planning commission and shall attend those meetings at which the planning commission considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application.

* Underlined text is new

PASSED AND ADOPTED By the Planning Commission of Monroe County, Florida at a regular meeting held on the 12th day of March 2003.

Chair David C. Ritz
Vice Chair Denise Werling
Commissioner Jerry Coleman
Commissioner Giulio Margalli
Commissioner Alicia Putney

ABSENT
YES
YES
YES
YES

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By _____
David C. Ritz, Chair

Signed this _____ day of _____, 2003

